

that are trying to be purchased. In these three specific situations and only in these three situations, then, could public officials pay more. And then, of course, as I said, that higher amount is also limited. And the other matter of addressing the other question involves Section 3 where you can't find any newspaper to publish its notice, Section 3 of the amendment provides that if legal notice cannot be purchased at the rate set forth, then and only then the public official or the legal notice purchaser can give legal notice by posting. That essentially is it. I would urge the body to adopt the amendment because some of those uncomfortable with the perceived gaps in our legal notice statutes I think can be mollified at this point with this amendment. I urge the adoption. Thank you, Mr. President.

PRESIDENT: Thank you. Senator Landis, please.

SENATOR LANDIS: Thank you, Mr. President, members of the Legislature, I support this amendment found on page 721. It contains a couple of different elements, all of which I think acknowledge a set of realities that make sense. First, it allows for a different legal rate for papers of \$100,000 or more...a 100,000 subscriptions or more that has a statewide circulation. Why? Because the law should not force anybody to operate at a loss. The rate that they can charge is the lowest rate they charge for classified ads. That is the rate that exists in the marketplace, clearly they should be able to make money, but it is the lowest rate possible. So, what you're acknowledging is the lowest rate that the newspaper in this category charges and apparently can make a profit at, but without a chance for enrichment. The discipline mechanism actually was suggested on General File by Senator Chambers and that is if a newspaper will not offer, consistent with legal rates, advertising along these lines, the person who is to offer the legal notice is excused from the responsibility for publishing the legal notice. Instead it can be done by nailing it up at the courthouse door, another form of publication that's recognized in other sections of the statutes, actual notice or other constructive kinds of notice methods. In other words, if there is a monopoly, you are not requiring the city council to do business with a monopolist who won't obey the law. There is, in other words, discipline for somebody to follow the law because if they don't follow the law the people that they're doing business with will be excused from their obligation to use the legal notice. I think that is a sensible method of